

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BPB,LLC, ET AL,)
 Plaintiffs)
)
 v.) CIVIL ACTION NO. 04-30021-MAP
)
 JOSEPH J. MILLER,)
 Defendant)

MEMORANDUM AND ORDER REGARDING
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
(Docket No. 2)

February 24, 2004

PONSOR, U.S.D.J.

The Motion to Temporary Restraining Order is hereby ALLOWED. Plaintiffs have shown that they have a likelihood of success on the merits and will suffer irreparable harm without issuance of the order. Moreover the balance of harm clearly favors the plaintiffs and the public interest would be best served by issuance of the order.

Plaintiffs will submit a form order for the court's signature on or before February 27, 2004.

The court stated its reasons for issuance of the order in detail in open court on February 20, 2004. In summary, the submissions of the plaintiffs confirm that the plaintiffs are likely to be able to show that the defendant obtained the liquor license in question as a result of the plaintiffs' good faith belief that the

defendant would consummate an agreed real estate transaction. Now that the real estate transaction has not gone forward, defendant has no equitable ground for retaining the liquor license. In view of this, plaintiffs are entitled to the issuance of the temporary restraining order.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge